REMARKS

Claims 1-6 and 8-12 are pending. Claims 1-6 and 10 have been amended. Claim 7 has been canceled. No new matter has been introduced. Reexamination and reconsideration of the present application is respectfully requested.

In the August 24, 2005 Office Action, the Examiner rejected claims 1-9 under 35 U.S.C. § 102(b) as being anticipated by Galloway, U.S. Patent No. 6,388,575 (hereinafter Galloway). The Examiner rejected claims 10-12 under 35 U.S.C. § 103 (a) as being unpatentable over Galloway in view of Alkire et al., U.S. Patent No. 6,356,082 (hereinafter Alkire). Applicants respectfully traverse the rejections in view of the claims as amended.

Independent claim 1, as amended now recites:

> A method of locating multiple passive electronic marker types, said method comprising:
> simultaneously transmitting a signal at each of a plurality of frequencies;
> ***simultaneously receiving a signal from a plurality of markers;*** and
> determining a marker type for each of the plurality of markers based upon said receiving.

The Galloway reference does not disclose, teach or suggest the method claimed in independent claim 1, as amended. Unlike the method specified in claim 1, Galloway does not teach "***simultaneously receiving a signal from a plurality of markers.***" Instead Galloway discloses an apparatus which includes a transmitter/receiver 23 to transmit a single signal 25 at a frequency of interest in order to locate an electrical marker and to receive and decode a response from a single located electrical marker. *(Galloway; Col. 3, line 60- Col.4, line 31)* The method specified in independent claim 1, as amended is distinct from Galloway because the apparatus disclosed in Galloway requires a user to repeatedly select a unique frequency corresponding to each uniquely identified marker type to be located. On the other hand, claim 1 calls for

"***simultaneously receiving a signal from a plurality of markers.***" Accordingly, Applicants respectfully submit that independent claim 1 distinguishes over the Galloway reference.

Independent claim 10 recites limitation similar to those in claim 1, as amended. Accordingly, Applicants respectfully submit that claim 10, as amended distinguishes over Galloway for reasons similar to those set forth above with respect to independent claim 1.

Claims 2-9 and 11-12 depend from independent claims 1 and 10, as amended, respectively. Accordingly, Applicants respectfully submit that claims 2-9 and 11-12 distinguish over Galloway for the same reasons set forth above with respect to claims 1 and 10.

With respect to claim 10-12, the Alkire reference does not make up for the deficiencies of Galloway. The Alkire reference discloses a locator which utilizes a two-way radio link and includes a transmitter 18 and a receiver 30 to receive a signal at a selected transmission frequency. *(Alkire; Col. 6, lines 5-20 and Col. 7, lines 12-29)* The locator is capable of displaying the magnitude of the frequency of the signal (fi) transmitted via transmitter 18. *(Alkire; Col. 7, lines 12-29)* However, the combination of Alkire and Galloway does not disclose, teach or suggest a method which includes "***simultaneously receiving a signal from a plurality of markers.***" Accordingly, Applicants respectfully submit that claims 10-12 distinguishes over Galloway in combination with Alkire.

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Applicants believe that the claims are in condition for allowance. If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California telephone number (213) 488-7100 to discuss the steps necessary for placing the application in condition for allowance should the Examiner believe that such a telephone conference call would advance prosecution of the application.

Respectfully submitted,

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